

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

RURBANC DATA SYSTEMS, INC.	)	CASE NO.
7622 State Route 66 N)	
Defiance, OHIO 43512	)	JUDGE:
)	
Plaintiff,	)	<u>NOTICE OF REMOVAL</u>
)	
v.	)	Bradley F. Hubbell (0075674)
	)	John Czarnecki (0013058)
NEW CORE HOLDINGS, INC.	)	COOPER & WALINSKI, LPA
c/o Registered Agent,	)	900 Adams Street
Kenneth D. Chapman, Jr.	)	Toledo, OH 43604
1920 Golf Street	)	Telephone: (419) 241-1200
Sarasota, Florida 34236	)	Facsimile: (419) 720-3437
	)	Email: hubbell@cooperwalinski.com
Defendant.	)	czarnecki@cooperwalinski.com

Counsel for Defendant

TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OHIO, WESTERN DIVISION, AND TO ALL PARTIES AND
THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Defendant New Core Holdings, Inc. ("New Core") hereby removes this action from the Court of Common Pleas, Defiance County, Ohio to the United States District Court for the Northern District of Ohio, Western Division, pursuant to 28 U.S.C. § 1441(b) and 28 U.S.C. § 1332(a)(1) (Diversity of Citizenship). The removal of this action is based on the following:

1. On January 18, 2011, Plaintiff Rurbanc Data Systems, Inc., filed its original Complaint against Defendant New Core in the Court of Common Pleas, Defiance County, Ohio. The action was given case number 11-CV-41125.

2. On January 19, 2011, New Core was personally served with copies of a summons issued by the state court and the Complaint. Copies of the Summons and Complaint that were received by New Core are attached hereto as Exhibit A.

3. New Core has not yet filed its Answer, Affirmative Defenses and Counterclaim to the Complaint filed by Rurbanc Data Systems, Inc. Rurbanc Data Systems, Inc. has consented to an extension of time for New Core to respond to the Complaint and New Core's response is not yet due.

4. In the Loan Agreement (Exhibit 4, Rurbanc Complaint) and the Promissory Note (Exhibit 5, Rurbanc Complaint), the parties agreed that suit on the Loan Agreement and Note would be appropriate in Federal Court in Toledo, Ohio.

5. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1332, and is one which may be removed to this Court by New Core pursuant to the provisions of 28 U.S.C. § 1332(a)(1) and 28 U.S.C. § 1441(b) in that it is a civil action between citizens of different states and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and the action is being removed within thirty days of its filing.

6. The citizenship of the parties is as follows:

(a) **Plaintiff**: Plaintiff Rurbanc Data Systems, Inc. is an Ohio Corporation with its principal place of business in Defiance County, Ohio.

(b) **Defendant**: Defendant New Core is a Florida Corporation with its principal place of business in Florida.

7. The amount in controversy as alleged exceeds \$75,000, as evidenced by the following: Plaintiff's Complaint alleges that New Core presently owes Plaintiff \$3,260,000.00. See Exhibit A at ¶ 23.

8. Accordingly, this Court is vested with subject matter jurisdiction over this action because complete diversity exists between the parties, and the amount of this controversy exceeds the jurisdictional amount set by 28 U.S.C. § 1332.

9. This Notice of Removal is filed within thirty days of receipt by New Core of copies of the Summons and Complaint, and is thus timely under 28 U.S.C. § 1446(b).

10. There are no other defendants or counterdefendants in this action at this time. Thus, joinder of other parties is not necessary or anticipated.

WHEREFORE, Defendant files this Notice of Removal of this case from the Court of Common Pleas, Defiance County, Ohio, in which the case is now pending, to the United States District Court for the Northern District of Ohio, Western Division.

Respectfully submitted,

/s/ Bradley F. Hubbell
Bradley F. Hubbell

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of February, 2011, a copy of the foregoing was filed electronically. Notice of this filing will be served by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

/s/ Bradley F. Hubbell
Bradley F. Hubbell